

OIR: 2526/283

27 February 2026

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED],

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of **30 January 2026**. I understand that our legal team have provided an initial response to your queries on 2 February 2026, and in turn I am responding to the specific areas of your request:

1. Clearly explain what Council does and does not know about the historic easements

The legal counsel for Council released information on the *Mansell vs KCDC high court application to affected ratepayers* in early February 2026 (refer to: <https://www.kapiticoast.govt.nz/media/0pjfk25p/2026-02-04-mansell-v-kcdc-high-court-application-affected-ratepayers.pdf>), which provides details about the Council's involvement in this matter. In summary:

- Council received notice of the Mansell's High Court application on 19 January 2026 seeking removal of several historic easements under section 317 of the Property Law Act 2007.
- Council is named in the court documents because the easements are on land to be vested in Council by the Mansell's for roads, stormwater, walkways, and recreation.
- Before it can own the land and create the amenities for the Kāpiti community, the law requires that easements be removed.
- Council will not be opposing the removal.

Information relevant to your request about the historic easements includes:

- These easements date back to 1906 and relate to drainage, rights of way and gate access.

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

- The drainage easements grant rights to dig, maintain, and construct drains on particular areas of land, and to convey water and wastewater from the land to drain a swamp.
- In relation to drainage, Council understands the easements don't create general drainage rights. The rights created are associated with an original parcel of land that has since been subdivided many times.
- The application records that there are now 269 parties who are noted on the title as potentially **benefiting** from those easements. The application does not propose to remove any easements over the land owned by the 269 parties.
- The application **proposes to remove the easements from the Mansell's land** only.

As communicated to you in the response on 2 February 2026, outside of this information:

- Our legal counsel has advised that we are not able to release specific legal advice related to this matter.
- However, you may wish to consider seeking independent legal advice on this matter.

Any legal advice Council has received on the historical easements is withheld under section 7(2)(g) of the Act in order to maintain legal professional privilege. I am satisfied that the withholding of this information is not outweighed by public interest considerations in section 7(1) favouring release.

2. Outline how residents can independently access and interpret relevant Council-held information (such as GIS mapping)

I can confirm that the public can access GIS through [this page](#) on the Council website.

You may wish to consider seeking independent legal advice on the interpretation of the information contained within GIS relating specifically to your property.

3. Explain, at a high level, how stormwater and drainage from the approved development is intended to function and interface with existing public and private systems

The full details of stormwater and drainage for this development is available within the resource consent decision which is attached.

Council does not hold a summary of this information at a high level and therefore this part of your request is refused under section 17(e) of the Act as the documents alleged to contain the information requested does not exist, or despite reasonable efforts to locate them, they cannot be found.

As noted in the response to you on 2 February 2026, you may wish to consider seeking independent legal advice on this matter

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

If you are interested in the attachments which accompany this response, please contact us at: informationrequest@kapiticoast.govt.nz.